

DUNCAN MILLER

IBLA 76-423

Decided June 24, 1976

Appeal from decision of Wyoming State Office, Bureau of Land Management, dismissing protest to the awarding of oil and gas leases W-52604 and W-52610 to Reserve Oil and Gas Company.

Affirmed.

1. Rules of Practice: Appeals: Statement of Reasons

Mere accusations by appellant that a company which was awarded an oil and gas lease was involved in fraudulent and corruptive practices, without substantiating this charge, is not a supportable basis for an appeal. A Statement of Reasons which does not point out affirmatively in what respect the decision appealed from is in error will be treated in the same manner as an appeal in which no statement of reasons was filed, and may be dismissed.

APPEARANCES: Duncan Miller, pro se.

OPINION BY ADMINISTRATIVE JUDGE HENRIQUES

Duncan Miller appeals from a decision of the Wyoming State Office, Bureau of Land Management, dated December 1, 1975, dismissing his protest to the awarding of oil and gas leases W-52604 and W-52610 to Reserve Oil and Gas Company.

Reserve Oil and Gas Company was the successful applicant for oil and gas lease offers W-52604 and W-52610, for lands which had been posted on the September 1975, simultaneous oil and gas list. Appellant filed a protest with the State Office, alleging that Reserve Oil and Gas Company is connected with Western Crude Oil Company and other entities and so could not be a lawful applicant for an oil and gas lease.

William F. Foster, attorney for Reserve Oil and Gas Company, in response to the protest, by letter on November 12, 1975, explained its corporate structure as follows:

Western Crude Oil, Inc. is a wholly owned subsidiary corporation of Reserve Oil and Gas Company and is primarily engaged in the business of purchasing and transporting crude oil. Since the date of the merger with Reserve in 1973, Western Crude has not owned any oil and gas leases, and has not filed any oil and gas lease offers with the Bureau of Land Management.

We are very much aware of the prohibition against multiple filings set forth in 43 C.F.R. 3112.5-2, and we do not utilize any lease brokers, agents, employees or other parties to make any such multiple filings on our behalf.

Appellant was apparently not satisfied with this explanation and wrote a second letter dated November 16, 1975, to Reserve Oil and Gas Company insinuating that officers or employees of Reserve Oil Company or Western Crude may have been filing for leases. Appellant seemed incredulous at Reserve Oil and Gas Company's good fortune--three wins in 2 months against numerous other participants in the drawings.

By letter of November 25, 1975, to appellant, Mr. Foster declared positively and without equivocation that none of the officers, directors or employees of Reserve Oil and Gas Company or any of its subsidiaries file any offers for Federal oil and gas leases with the Bureau of Land Management. Mr. Foster agreed that the company had been very fortunate in winning these drawings, but reminded appellant that this was extraordinary. He stated: "We file an average of 100 lease offers each month and we are usually successful in only five or ten drawings each year."

On December 1, 1975, the State Office issued a decision in which it stated that the company is in compliance with 43 CFR 3112.5-2, the regulation dealing with multiple filings. The State Office found that appellant had failed to submit any evidence in support of his allegations of wrongdoing by Reserve Oil and Gas Company, and dismissed the protest.

[1] In his appeal, appellant adverts to his correspondence with the attorney for Reserve Oil and Gas Company, and states "[T]he basis of appellant's appeal is that he is NOT 'Hercules'!"

(Emphasis in original.) The classical allusion contributes nothing of probative worth. The State Office decision determined that Reserve is qualified to hold Federal oil and gas leases in Wyoming. We find nothing illegal in the good fortune of Reserve to have won two leases. The record does not indicate that Reserve had any interest in any drawing entry card for the subject two parcels other than the two winning cards. Appellant has not pointed out any error in the State Office decision which would show that he has been wrongly deprived of any rights. We must consider appellant's appeal as frivolous and will dismiss it. Duncan Miller, A-31037 (August 13, 1969); Duncan Miller, A-29735 (September 17, 1963).

Therefore, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the appeal is dismissed.

Douglas E. Henriques
Administrative Judge

We concur:

Edward W. Stuebing
Administrative Judge

Joan B. Thompson
Administrative Judge

